



DEPARTMENT OF THE NAVY  
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OPNAVINST 9760.1  
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OPNAV INSTRUCTION 9760.1

From: Chief of Naval Operations

Subj: HUMAN ELECTRO-MUSCULAR INCAPACITATION DEVICES

Ref: (a) CJCSI 3121.01B (NOTAL)  
(b) OPNAVINST 5530.14E  
(c) NTTP 3-07.3.2 of February 2015  
(d) MARADMIN 560/08, Training and Use of Human Electro-Muscular Incapacitation Devices  
(e) TASER® Instructors Manual (NOTAL)  
(f) TASER® User Course (NOTAL)  
(g) DoD Directive 3000.3E of 25 April 2013  
(h) DoD Directive 2310.01E of 19 August 2014  
(i) JAGINST 5800.7F  
(j) OPNAVINST F3100.6J (NOTAL)

1. Purpose

a. This instruction implements policy and procedures for the use of human electro-muscular incapacitation (HEMI) devices throughout the Navy.

b. This revision was performed to update references and provide clarification of mandated requirements regarding HEMI training and certification, use of HEMI devices, post HEMI device medical attention, and probe removal. Major change to policy is mandatory medical attention and continuous monitoring for any person being subdued with a HEMI device. This instruction is a complete revision and should be reviewed in its entirety.

2. Cancellation. OPNAVINST 3352.1.

3. Scope and Applicability

a. HEMI device employment will be governed by reference (a) and applicable supplemental rules of engagement (ROE) or rules for the use of force (RUF). In the event of a conflict with reference (a) or supplemental ROE or RUF, those rules supersede any conflicting policies stated in this instruction.

b. This instruction applies to all Navy military, civilian, and contractor personnel who will have any direct involvement with HEMI training or employment.

4. Responsibilities. The Inter-Service Nonlethal Individual Weapons Instructor Course (INIWIC) at the Marine Corps Detachment, Fort Leonard Wood, Missouri, or INIWIC mobile training team, must certify and re-certify HEMI device instructors.

5. Definitions

a. User. Any individual who has completed user certification training and is authorized to carry and use a HEMI device.

b. Subject. Any individual who is struck by a HEMI device probe or receives a HEMI device discharge in a non-training event.

6. Training and Certification

a. HEMI devices must only be issued to personnel trained and qualified by a certified instructor and authorized to carry HEMI devices by their commanding officer.

b. HEMI device instructors will be certified through the INIWIC at the Marine Corps Detachment, Fort Leonard Wood, Missouri, or INIWIC mobile training team, per references (b) and (c) and consistent with reference (d).

c. Re-certification of instructors and users must occur and be conducted per INIWIC guidelines provided in reference (d).

d. Commands must document and retain HEMI device training (initial and annual refresher) and certification records on all command personnel having direct involvement of HEMI devices.

7. Employment

a. Use of HEMI Devices

(1) Nothing in this instruction limits a commander's authority to use all necessary means available and to take all appropriate action in self-defense. Neither the presence nor the potential effect of non-lethal weapons will constitute an obligation for their employment or a higher standard for employment of force than provided for by applicable law.

(2) HEMI devices will not be used:

(a) punitively;

- (b) to rouse unconscious, impaired, or intoxicated individuals;
- (c) in an unprofessional manner, to include horseplay;
- (d) for illegal purposes (e.g., coercion, torture);
- (e) on small children, visibly or known to be pregnant women, restrained subjects, infirm, elderly, or passive subjects being seized;
- (f) to experiment on a person or allow a person to experience the HEMI device, even if the person requests it, when the HEMI device use would not otherwise be allowed by this policy;
- (g) when prohibited by applicable ROE or RUF, or applicable international agreements, such as status-of-forces agreement, treaties, domestic law, or policy; or
- (h) to intentionally target any area of the body other than the preferred target zones, per references (e) and (f).

(3) HEMI devices may only be used against persons:

- (a) when the use of force is authorized per reference (a) or applicable supplemental ROE or RUF;
- (b) during Department of the Navy authorized training programs or demonstrations when medical personnel are present; or
- (c) when only targeting the preferred target zones, per references (e) and (f)

(4) Per this instruction and references (a) through (e) and reference (g), HEMI devices may be used aboard U.S. military facilities inside U.S. territory and aboard U.S. military facilities outside U.S. territory when specifically authorized by competent authority.

b. Elevated HEMI Device Application Risk Factors. Users must consider factors that elevate the risk of direct or secondary injuries to subjects before employing a HEMI device. The examples listed in subparagraphs 7b(1) through 7b(7) of elevated risk factors that should be considered when they are reasonably perceived by the user:

- (1) Presence of flammable liquids, fumes, or explosive environments;
- (2) Whether the subject is in a position where a fall may cause serious bodily injury or death (e.g., elevated positions such as a roof, possession of or proximity to sharp objects);

(3) Whether the subject is operating a moving vehicle or machinery, or if the subject is running (fleeing);

(4) Whether the subject is visibly frail or infirm, or known by the user to be frail or infirm;

(5) Whether the subject is near a swimming pool or other body of water;

(6) The effect(s) of multiple HEMI device applications; and

(7) Whether the subject is holding a firearm.

c. Verbal Commands. In order to minimize the number of HEMI device discharges needed for subject compliance and alert other personnel within the vicinity, users must, to the extent possible under the circumstances, provide verbal order(s) to the subject before and during HEMI deployment.

(1) Alerting other personnel within the immediate vicinity prior to discharge by issuing the command “Taser! Taser! Taser!” may prevent the discharge of the HEMI being mistaken as gun fire.

(2) Commands given to the subject may include “stop resisting,” “lie flat,” “put your hands behind your back,” etc.

d. HEMI Device Use on Detainees. The use of HEMI devices against detainees must be pursuant to this instruction, reference (f), and other laws, regulations, policies, and issuances applicable to detainee operations.

e. Post-HEMI Device Deployment Actions

(1) Any person subdued with a HEMI device will be transported to a medical treatment facility for evaluation and treatment as required.

(2) If a subject of a HEMI device strike exhibits any sign of medical distress, users must apply appropriate detention techniques, to include application of restraining devices, render first aid, and summon emergency medical care.

(3) The subject must also be continually monitored, at a minimum of 1 hour after the initial HEMI device strike.

f. Probe Removal

(1) Sensitive Areas. Only medical personnel must remove probes located in sensitive areas of the body.

(2) Non-sensitive Areas

(a) Removal of probes in non-sensitive areas may be performed by users according to the probe-removal training guidelines set forth in reference (f).

(b) Personnel protection equipment must be donned (i.e., latex gloves) to prevent exposure to blood borne pathogens.

(c) The subject's wounds should be wiped with an alcohol pad or other first aid wipes and covered with an adhesive dressing as required.

(d) If the probe(s) cannot be easily removed, the subject must either be transported to a medical treatment facility, or other medical assistance must be obtained as necessary.

g. Photographs

(1) When lawful and appropriate to do so, evidence photographs will be taken of probe impact sites and any other related injuries as soon as it is reasonable to do so. If at all possible, photographs should be taken with command issued cameras and not with personal devices such as cellular phones.

(2) While it is important to preserve evidence, it is also important not to violate any medical, privacy, or other legal statutes.

(3) Photographs must be preserved as evidence per references (b) and (h).

h. Probes – Biohazard

(1) Probes that have been deployed and strike the subject must be treated as biohazard sharps.

(2) Probes must be placed point down into the expended cartridge bores and appropriately secured (e.g., latex glove(s), tape).

(3) The probes, expended cartridge(s), and anti-felon identification system must be maintained as evidence and will be secured, tagged, and identified as a biohazard(s).

i. Notification of HEMI Device Application. If the custody of a subject that received a HEMI discharge is transferred, the receiving unit must be informed that the individual was subjected to the use of a HEMI device.

j. Transport Concerns

(1) Avoid Face-Down Transport. Users should avoid transporting a subject who has been controlled by the use of a HEMI device face-down.

(2) Transporting Subject with Probes Still Embedded. If probes are still embedded in the subject, avoid transporting the subject in a position that would further embed the probes in the subject.

8. Reporting Requirements

a. Commanding officers must be advised of any discharge of a HEMI device. Commanding officers must determine whether an investigation pursuant to reference (h) is required under the circumstances.

b. Commanding officers must report, per reference (i), any discharge of a HEMI device inconsistent with this instruction or requiring medical treatment. Additional reporting may be required by reference (j) if operational report (OPREP-3) criteria are met such as: injury, media interest, theft, etc. Information particular to HEMI employment will be noted in the report, specifically:

(1) Circumstances that precipitated the use of the HEMI device (include specific subject behavior);

(2) Extent of HEMI device use (include number of times the device was discharged and other pertinent information);

(3) Known results of the HEMI device's use (including requirements for medical attention, whether the device adequately incapacitated the subject, etc.); and

(4) Downloadable information from the HEMI device's data port system providing the time, date, and duration of recent uses.

c. Commanding officers must report the items listed in subparagraphs 8c(1) through 8c(2), per reference (j),

(1) OPREP-3 NAVY BLUE:

(a) Any discharge of a HEMI that causes a fatality or injury to personnel.

(b) Weapon discharge incidents resulting in media interest.


(2) OPREP-3 NAVY UNIT SITUATION REPORT:

(a) Any theft of a HEMI device.

(b) Any negligent discharge not resulting in media interest or injury to personnel.

9. Records Management. Records created as a result of this instruction, regardless of media and format, must be managed per Secretary of the Navy Manual 5210.1 of January 2012.

10. Review and Effective Date. Per OPNAVINST 5215.17A, Expeditionary Warfare Branch (OPNAV N95) will review this instruction annually on the anniversary of its issuance date to ensure applicability, currency, and consistency with Federal, Department of Defense, Secretary of the Navy, and Navy policy and statutory authority using OPNAV 5215/40 Review of Instruction. This instruction will be in effect for 5 years, unless revised or cancelled in the interim, and will be reissued by the 5-year anniversary date if it is still required, unless it meets one of the exceptions in OPNAVINST 5215.17A, paragraph 9. Otherwise, if the instruction is no longer required, it will be processed for cancellation as soon as the cancellation is known following the guidance in OPNAV Manual 5215.1.



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Releasability and distribution:

This instruction is cleared for public release and is available electronically only via Department of the Navy Issuances Web site, <http://doni.documentservices.dla.mil>